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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168002
Party	Defendant Gamillah, Inc. Gamillah, Inc. 7760 France Avenue South Suite #1100 Minneapolis, MN 55435
Correspondence Address	DAVID G. SCHELZEL BEST & FLANAGAN LLP 225 S 6TH ST STE 4000 MINNEAPOLIS, MN 55402-4690
Submission	Answer
Filer's Name	Edward P. Sheu
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Signature	/Edward P. Sheu/
Date	03/17/2006
Attachments	Applicant's Answer to Opposition.pdf (4 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CLEARSNAP, INC.
509 30th Street
Anacortes, WA 98221,

Opposer,

v.

GAMILLAH, INC.
7760 France Avenue S., Ste. 1100
Minneapolis, MN 55435,

Applicant.

For the mark **COLORBOX**
Published in the Official Gazette on 11/1/2005
Opposition No. 91168002
Serial No. 78559662

ANSWER TO NOTICE OF OPPOSITION

Applicant, Gamillah, Inc., answers Opposer's Notice of Opposition as follows:

Opposer's Notice opens with two unnumbered paragraphs. Specifically addressing these unnumbered paragraphs, Applicant admits the factual data presented in the first unnumbered paragraph regarding its Application Serial No. 78/559,662.

Opposer's second unnumbered paragraph is a statement of Opposer's belief of which Applicant is without knowledge or information, but nonetheless Applicant denies that Opposer will be damaged in any way material to this proceeding by the registration of Applicant's mark, Serial No. 78/559,662.

Applicant denies each and every matter, thing, and allegation in Opposer's Notice except as may be hereafter admitted.

Applicant responds as follows to the numbered paragraphs of Opposer's Notice, the paragraph numbers herein corresponding to those contained in the Notice:

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in this paragraph and therefore denies the same.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Admitted except that it is believed Opposer may be in the process of obtaining new counsel.

AFFIRMATIVE DEFENSES

10. The Notice of Opposition fails to state any claim on which relief can be granted.

11. Applicant's pending mark, Serial No. 78/559,662, is not confusingly similar to any registered trademark of the Opposer, therefore, there is no likelihood of confusion under 15 U.S.C. § 1052(d).

12. The goods recited in Applicant's application for Serial No. 78/559,662 for its mark in Classes 003, 004, and 009 are unrelated to the goods associated with Opposer's marks. Therefore, there is no likelihood of confusion under 15 U.S.C. § 1052(d).

13. Even if Opposer could establish prior or senior rights, trademarks and service marks that include a combination of the words "color," "box," and "colorbox" are used by many different parties for a range of goods and services, and have been registered by the United States Patent and Trademark Office. As a result, any rights to which Opposer's alleged marks might be entitled are sufficiently restricted in scope as to goods and services, the nature of the mark Applicant seeks to register is not confusingly similar to Opposer's mark, and no relevant, reasonable consumer would be confused into thinking that Applicant's mark identifies or is associated with any mark of the Opposer.

14. Wherefore, Applicant respectfully requests that the Notice of Opposition be dismissed and denied, with prejudice, and that the application Serial No. 78/559,662 be allowed to proceed to registration.

Dated: Minneapolis, MN

March 17, 2006

Respectfully submitted,

BEST & FLANAGAN LLP

By  

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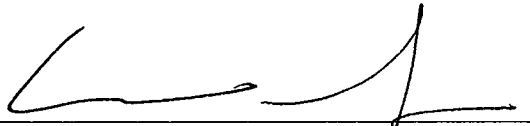
Attorney for Applicant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that this correspondence is being transmitted electronically through ESTTA as of the date hereof.

I also hereby certify that a true and correct copy of the foregoing Applicant's Answer to Opposer's Notice of Opposition is being mailed via first class mail, postage pre-paid, on this 17th day of March, 2006 to Opposer's counsel of record:

Michael R. Schacht
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Edward P. Sheu

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